



Entered on Docket
March 29, 2010

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

ANTHONY J. DELUCA, ESQ.
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IN THE UNITED STATES BANKRUPTCY COURT
District of Nevada

In Re:

Dennis T Healey
Evelyn B Healey

Debtor(s)

Case No. 09-20245-MKN
Trustee: KATHLEEN A. LEAVITT

Chapter 13

Hearing Date: 07/30/2009
Hearing Time: 3:30 PM

Order Re: Motion To Value Collateral, "Strip Off", and Modify Rights of Countrywide Home Lending

This matter having come on for hearing on 07/30/2009 at 3:30 PM, attorney for Debtor(s) appearing on behalf of Debtors, proper notice having been given and no opposition being made to the Motion to Value Collateral, "Strip Off" and Modify Rights of Countrywide Home Lending on the real property located at 2724 Childress Dr., Las Vegas, NV . The value of the Subject Property at the time of filing was \$210000.00.

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IT IS THEREFORE ORDERED THAT Countrywide Home Lending's claim is “Stripped off” and shall be avoided pursuant 11 U.S.C. Section 506(a).

IT IS FURTHER ORDERED THAT Countrywide Home Lending shall retain their lien on the real property located at 2724 Childress Dr., Las Vegas, NV subject property until such time as the Debtor(s) have completed payment of the Chapter 13 Plan and receive discharge. The mortgage claim shall be deemed as a wholly general unsecured claim to be paid pro rata with other general unsecured creditors through the Debtor's Plan. **IT IS FURTHER ORDERED THAT** in the event the instant Chapter 13 matter is dismissed or converted to a chapter 7, the instant order will be vacated.

IT IS FURTHER ORDERED THAT Creditor shall retain its lien for the full amount due under the subject loan should the subject property be sold or should a refinance take place prior to Plan completion and entry of a Discharge. Creditor shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtors' Chapter 13 case or the conversion of the Debtors' Chapter 13 case to any other Chapter under the United States Bankruptcy Code. In the event that any entity, including the holder of the first lien on the Subject Property, forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of the Chapter 13 Plan and receipt of a Chapter 13 discharge, Creditor's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

DATED this 8 day of March, 2010.

Submitted by:

/s/ ANTHONY J DELUCA

ANTHONY J. DELUCA, ESQ.

Approved as to Form and Content by:

KATHLEEN A. LEAVITT

5830 West Flamingo Road, Suite 233
Las Vegas, Nevada 89103
Attorney for Debtor's

CHAPTER 13 STANDING TRUSTEE

ALTERNATIVE METHOD re: RULE 9021:

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- ☐ The Court has waived the requirement of approval under LR 9021.
- ☐ No parties appeared or filed written objections and there is no trustee appointed in the case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:
- ☐ No party has appeared and Trustee has failed to respond to the order.

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